

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: December 30, 2005
)	
Gordon S. Boelter)	DOCKET NO.: 05F-007
Attorney Advisor)	
Office of Cable Television & Telecommunications)	
703 Broderick Drive)	
Oxon Hill, Maryland 20745)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Gordon S. Boelter, Attorney Advisor, Office of Cable Television & Telecommunications (OCTT), failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 12, 2005, September 1, 2005 and November 22, 2005, OCF ordered Gordon S. Boelter (hereinafter respondent), to appear at scheduled hearings on August 29, 2005, September 12, 2005 and December 2, 2005, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On October 27, 2005, the Hearing Officer emailed OCTT's Human Resources Advisor for information concerning the employment status of respondent. On November 4, 2005, the Hearing Officer sent a second email to the HR Advisor stating the difficulties in attempting to reach her by telephone, and requesting that she inform the respondent to

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contact the Hearing Officer immediately. On November 8, 2005, the HR Advisor forwarded the Hearing Officer's email to the respondent. On November 15, 2005, the respondent contacted the Hearing Officer by telephone to request a continuance. On December 2, 2005, the respondent appeared at the rescheduled hearing and testified that he was unaware of the filing delinquency. Respondent stated that when he received his orientation upon appointment to his position, he was not informed of the requirement to file with OCF. Respondent further stated that effective September 2004, he had no direct supervisor, and was informed by a colleague that he was not under an obligation to file OCF's Financial Disclosure Statement. Respondent stated that because he was not informed by his agency of the requirement to file, he did not expect OCF's notices at his home. Respondent filed the required Financial Disclosure Statement on July 13, 2005.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was appointed to the Legal Service in June 2004.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
3. Respondent filed the required Financial Disclosure Statement on July 13, 2005.
4. Respondent is a first-time required filer.
5. Respondent provided a credible explanation for the filing delinquency because he was not informed by his agency of OCF's filing requirement; and, it is more likely than not inasmuch as he filed upon OCF's notification to do so.
6. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$1,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that he was not informed by his agency of OCF's filing requirement; that he filed upon OCF's notification to do so, coupled with his first-time filer status, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Gordon S. Boelter, by regular mail, on December 30, 2005.

cc: James D. Brown, Jr., Executive Director
Office of Cable Television & Telecommunications
3007 Tilden Street, NW, Pod P
Washington, DC 20008

Robin Yeldell, HR Advisor
Office of Cable Television & Telecommunications
3007 Tilden Street, NW, Pod P
Washington, DC 20008

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.